

Texas Juvenile Justice Department
Response to the Independent Ombudsman
Fourth Quarter Report, FY 2012
October 4, 2012

The Texas Human Resources Code, Section 261.060, provides that the Office of the Independent Ombudsman (OIO) shall accept comments from the Texas Juvenile Justice Department (TJJD) for the OIO quarterly reports. The Code also provides that TJJD may not submit comments after the 30th day after the date of the report. TJJD received the Fourth Quarter Report on September 19, 2012.

The Third Quarter report identified OIO activities for June through August 2012, with the main focus on summarizing OIO activities. The report also very briefly summarized the OIO observations for the entire year, noting:

- Changes in organizational structure and leadership
- Escalation in youth violence and group disruption
- Concerns and the behavioral management component of the CoNEXTions rehabilitation strategy
- Concerns about the quality of staff training
- Increased safety and security initiatives
- Implementation of the Phoenix program as a response to youth violence

TJJD appreciates the strong efforts of the OIO to ensure safety and security are maintained for TJJD staff and youth. We look forward to continuing our partnership with the office of OIO and will continue to make systemic improvements that will enable youth to be successful in their rehabilitation.

Phoenix Update

The Phoenix Program is built around evidence-based principles and practices, with a focus on the specific risk factors that contribute to each youth's aggression. The program addresses these risk factors and strives to help youth reduce them while developing corresponding protective factors to build long-term, internalized changes in behavior. The program enhances intrinsic motivation through the use of motivational interviewing techniques and positive reinforcement, utilizes proven curricula such as Aggression Replacement Training (ART®), and focuses on targeted skill development with directed practice. In addition, the program is built around the development of positive group culture and leadership skills. The main goals of the Phoenix Program are to:

1. Provide youth an opportunity to develop the motivation and skills necessary to reduce aggressive behavior in a highly structured and safe environment.
2. Increase intrinsic motivation.

3. Explore personal risk factors and their impact on values, thoughts, choices, and behavior.
4. Shape behavior and build coping skills through targeted skill development with directed practice, positive reinforcement, and staff modeling of pro-social skills.
5. Foster the experience of positive peer interactions.
6. Help youth internalize behavioral change by reinforcing demonstration of learned skills.
7. Provide a gradual reintegration of youth back into a TJJD general treatment program with support for relapse prevention and reinforcement for ongoing demonstration of learned skills.

The first youth was admitted to the Phoenix program on July 16, 2012. A total of 14 youth have been admitted as of September 28, 2012. Two youth have graduated from the program and have been returned to other secure facilities. Phoenix staff will provide support to those youth as they transition.

The following is a summary of the characteristics of youth admitted to the Phoenix program to date:

- Ages range from 15.7 to 18.3
- Two youth have determinate sentences
- Over half have committing offenses considered moderate in severity
- Reading grade levels range from 1st grade to 10th grade
- Math grade levels range from 2nd grade to 12th grade
- 50% of youth are identified as youth with special education needs
- 75% of youth are enrolled in a specialized reading program
- Only 1 youth had his GED and none have a high school diploma
- 75% are identified with a high or moderate need for alcohol or other drug treatment
- 2 are identified with sexual offending treatment needs
- All youth had aggression control issues
- Eleven had prior placements on the Redirect Program

Youth entering the Phoenix program have generally been receptive to the opportunity they are being offered for making a positive life change. Staff members are dedicated to implementation the components of the program as designed and to providing a safe environment. Nevertheless, as one might expect in a program for aggressive youth, the unit has experienced incidents:

- In July: twelve (12) documented incidents of both major and minor misconduct resulting in four (4) security referrals and three (3) admissions
- In August: eighty-one (81) documented incidents of both major and minor misconduct resulting in forty-two (42) security referrals and thirty-five (35) admissions
- In September (through 9/27): sixty-seven (67) documented incidents of both major and minor misconduct resulting in twenty-one (21) security referrals and twenty (20) admissions

To date, there have been five incidents of offensive contact with staff, but no assault of staff with bodily injury. There have been ten incidents of assault or fighting between youth, with no significant injuries. OC (pepper) spray has been deployed on eight (8) occasions to prevent imminent serious bodily injury.

Youth are actively participating in educational and treatment programming. Ten (10) youth are scheduled to take the GED test in October. Educational staff members attended training on implementation of leadership skills coursework as an elective and all Phoenix youth will be enrolled in this course in October. Youth families have been afforded visitation on the unit. Several youth have participated in incentive programs as a result of their positive progress. Student of the Week elections are ongoing.

Outside stakeholders and representatives of the media toured the Phoenix program on August 27, 2012 and reviews were positive. The Internal audit department has initiated an audit of the Phoenix program to determine compliance to the governing policy and case management standard. TJJD administration looks forward to the results of the audit in order to continue to improve the implementation of the Phoenix program.

TJJD system-wide efforts

Agency-wide initiatives increasing safety and security for youth and staff, which began under Mr. Kimbrough's direction in May, have continued. These enhancements, described in the third quarter report and in the OIO monthly responses, appear to have a positive impact on aggression and disruption in most facilities. Trends for required use of physical restraint (which reflect incidents of dangerous behavior) show:

- Corsicana – a sharp decrease from July to August, reversing a steadily increasing trend since March
- McLennan County – sharp decreases from April to May and July to August, resulting in the second lowest rate for that facility in FY 12 and the lowest rate of all secure male facilities for the month of August
- Giddings – a steady decline from June through August following assignment of permanent facility leadership and implementation of the initiatives reported in the third quarter OIO report
- Gainesville – steady decrease from May through August
- Evins – sharp decline from June through August
- Ron Jackson – a decrease from July to August, but overall an increasing trend throughout the fiscal year. Corrective action for the Ron Jackson facility was discussed in the site visit in August.

TJJD will continue to diligently monitor the implementation of the safety and security initiatives and of the outcomes they produce. We are equally concerned about the effectiveness of staff development and training and the implementation of the CoNEXTions rehabilitation strategy. The agency strongly believes that an integrated approach is the key to effecting long-term

change with the youth we serve. A well-implemented program and well-trained workforce are critical to success. A systematic review of agency training and training curriculum for new as well as tenured staff is underway to ensure effective, relevant and timely training for all individuals working with youth. In September, changes to the Treatment and Case Management approach went into effect with the intent of reprioritizing case manager time to direct face-to-face interactions with youth. Two investigator positions were created at each facility so that case managers no longer have to serve as hearings managers or staff representatives during level II due process hearing. Educators attended training on building relational capacity with students and the new school year has begun with a renewed emphasis on positive behavioral interventions and supports. Efforts to increase fidelity in the implementation of the Aggression Replacement Training at all facilities continued throughout the fourth quarter and will continue into FY13.

In order to further review quality of current programming and implementation and safety and security measures, TJJD has initiated a contract for consulting services with a nationally acclaimed expert who serves as the Director of the National Juvenile Detention Association (NJDA) Center for Research & Professional Development, which manages the OJJDP grant for training line staff in juvenile detention and correctional facilities. This expert is also a Faculty member in the School of Criminal Justice at Michigan State University. TJJD anticipates that this work will begin with data collection and review in November and site visits in December.